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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/881,411	06/14/2001	Brawnski Armstrong	11749-00006	8832
24573 7590 06/01/2007 BELL, BOYD & LLOYD, LLP P.O. Box 1135 CHICAGO, IL 60690			EXAMINER SALAD, ABDULLAHI ELMI	
			ART UNIT 2157	PAPER NUMBER
			MAIL DATE 06/01/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

09/881,411

**Applicant(s)**

AMSTRONG ET AL.

**Examiner**

Salad E. Abdullahi

**Art Unit**

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-68 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-68 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**Response**

1. The declaration under 37 C.F.R. 1.31 filed 11/22/2006 is accepted and made of record.
2. This application has been reviewed. Original claims 1-68 are pending. The rejection cited stated below.
3. Applicant's arguments with respect to claims 1-68 have been fully considered but are moot in view of new grounds of rejection.

**Claim Rejections - 35 USC § 102**

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-21, 23-68 are rejected under 35 U.S.C. 102(e) as being anticipated by England et al., U.S. Patent No. 6,144,991 [hereinafter England].

As per claim 1, England discloses a system for structuring content within a message and transmitting the structured message over a computer network in a real time chat environment, comprising:

a system administration computing system having a system management program (system 504, having session program 1302, 1306) with a real time chat interface for

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communicating over the computer network (the Guide or system administrator) (see fig. 5, and col. 11, lines 42-60);and

a second computing system (client 508, 1208) having a network interface program (GUI, session 1) with a real time chat interface (frame 908, 910) for communicating over the computer network, wherein the network interface program accepts message content, establishes a real time chat interface with the system management program and interacts with the system management program to structure the content within the message and transmit the structured message over the computer network (see fig. 9 and col. 12, line 30 to col. 13, line 6).

As per claim 2-21 and 23, England discloses the message content structuring and transmission system of claim 1, wherein the second computing system is an end user computing system (508) and the network interface program is an end user interface program (i.e., client side component 904) (see col. 30, lines 35-67).

As per claims 18-20, and 27 England discloses the message content structuring and transmission system of claim 10, wherein the end user interface program generates at least one user interface message alert for a real time chat channel (see col. 31, lines 40-53) .

As per claim 24, England discloses the message content structuring and transmission system of claim 1, further comprising a third computing system (piper server 502 having

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a network interface program with a real time chat interface for communicating over the computer network (see fig. 5, and col. 11, lines 42-60).

As per claim 25, England discloses the message content structuring and transmission system of claim 24, wherein the second computing system transmits structured messages directly to the third computing system (see fig. 9 and col. 12, line 30 to col. 13, line 6).

As per claim 26 England discloses the message content structuring and transmission system of claim 1, wherein the second computing system is an application computing system having an application program and the network interface program is a network application management program (see fig. 5, and col. 11, lines 42-60).

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over England in view of Cave et al., U.S. Patent No. 6,404,746[hereinafter Cave].

As per claim 22, England discloses substantial features of the claimed invention as discussed above.

England is silent regarding wherein the system management program converts synchronous message content to asynchronous message content for storage.

Cave discloses a communications system including a management gateway system, which converts synchronous message content to asynchronous message content for storage (see col. 6, Lines 10-22 and col. 10, 25-42). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to incorporate the teaching of Cave into England's system because the advantage of converting synchronous message content to asynchronous message content for storage is that provides enhanced multimedia communication.

9. As per claim 28-68, the claims include analogous to features in claims 1-27, thus claims 28-68 are rejected same rational as claims 1-27.

***Conclusion.***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Salad E Abdullahi whose telephone number is 571-

The examiner can normally be reached on 8:30 - 5:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

As  
5/28/2007

  
**ABDULLAH SALAD**  
**PRIMARY EXAMINER**